

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA ) CR No. 3:07-1014-JFA  
                              )  
                               )  
vs                           ) ORDER  
                              )  
JOHN DEXTER BARNES, II )  
                              )  
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The defendant, John Dexter Barnes, was sentenced to a statutory mandatory term of Life upon his guilty plea to cocaine base and cocaine drug conspiracy charges.

The government has now filed a motion for a reduction of sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure. Specifically, the government suggests that the defendant has provided unrewarded substantial assistance in the investigation and prosecution of various other defendants. In connection with its motion, the government recommends a six-level reduction in the defendant's total offense level.

Consistent with its standard practice, this court advised the defendant that the government's motion to reduce his sentence had been filed and invited him to provide information that the court might consider in determining the extent of the departure. The defendant responded requesting mercy by the court. He also suggests that the reduction start at a level 35, not a level 38, since he was given three credits for acceptance of responsibility. The defendant has provided copies of certificates of achievement he has obtained while incarcerated. The court has considered these matters pursuant to 18 U.S.C. § 3553.

The defendant has a criminal history category of V, and, but for his mandatory minimum Life sentence, he faced an offense level of 35. However, the lowest offense level

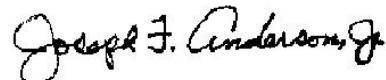
which incorporates a Life sentence for a criminal history category V is 38.<sup>1</sup> The government recommends a six-level departure from 38 to 32.

After carefully reviewing the materials submitted by the government and the defendant, this court is of the opinion that a reduction of 6 levels is appropriate in this case.

Therefore, the government's motion (ECF No. 1020) is granted which will reduce the defendant's total offense level by 6, resulting in a new offense level of 32. This yields an advisory guideline sentencing range of 188 to 235 months. Accordingly, the defendant's sentence is hereby modified to provide for a custodial sentence of 188 months. All other aspects of the original sentence remain in full force.

The Clerk is directed to terminate the defendant's motion to compel the government (ECF No. 951) as moot.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.  
United States District Judge

December 13, 2011  
Columbia, South Carolina

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<sup>1</sup> This is the procedure required in the Fourth Circuit Court of Appeals when considering a departure involving a mandatory minimum sentence.